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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 GEORGE ARTEM,)
8 Plaintiff,) CASE NO. C17-0798 RSM
9 v.) ORDER DIRECTING PLAINTIFF TO
10) AMEND COMPLAINT
11 STATE OF NORTH DAKOTA, *et al.*,)
12 Defendants.)
13 _____)

14 *Pro Se* Plaintiff George Artem, a Seattle resident, filed his Complaint on June 16, 2017.
15 Dkt. #6. Summonses have not yet been issued.

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17 Plaintiff does not allege a single fact or claim in his Complaint. Instead, he simply
18 references two North Dakota case numbers, and attaches several Orders issued from the United
19 States District Court for the District of North Dakota and the state District Court for South Central
20 Judicial District Morton County, North Dakota earlier this year. Dkt. #6, *Exhibits*. It appears
21 from these documents that Plaintiff had been arrested and issued a trespassing citation in
22 connection with the protest activities related to the Dakota Access Pipeline near Cannonball, ND.
23 It also appears that the criminal action may be continuing in North Dakota state court. *Id.* On
24 March 3, 2017, Plaintiff attempted to remove the state criminal action to the United States District
25 Court for the District of North Dakota. *Id.* The federal court ultimately remanded the matter
26 back to state court. *Id.* In seeking reconsideration of the order of remand, Plaintiff claimed, *inter*
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1 *alia*, that his arrest violated the 1852 Treaty of Fort Laramie and that postponement of his
2 criminal trial in state court violated his federal speedy trial rights. Dkt. #6, *Exhibits*. He also
3 sought a transfer of venue to this Court on the basis that the North Dakota judge was biased
4 against him. *Id.* The motion for reconsideration was denied. Plaintiff then filed the instant action
5 here.

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7 As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of
8 establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*,
9 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor*
10 *Co./Citibank (South Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the
11 pleading stage, must be met by pleading sufficient allegations to show a proper basis for the
12 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*
13 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the
14 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
15 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
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17 *See* 28 U.S.C. § 1915(e)(2)(B).

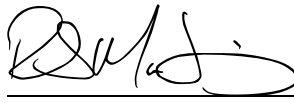
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19 In this case, Mr. Artem fails to identify any basis for federal jurisdiction in his Complaint.
20 He fails to explain the factual basis for his claims, and he fails to identify what claim he actually
21 asserting against the named Defendants. Accordingly, Plaintiffs' Complaint suffers from
22 deficiencies that, if not corrected in an Amended Complaint, require dismissal.

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24 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint
25 **no later than twenty-one (21) days from the date of this Order.** In the Amended Complaint,
26 Plaintiff must include a short and plain statement demonstrating to the Court that there is federal
27 jurisdiction over his claims, either under federal question or diversity jurisdiction. If his claims
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1 are the same as the ones he raised before the federal court in North Dakota, he should explain as
2 much. He should also clarify whether he is naming any Defendant other than the State of North
3 Dakota.

4 The Clerk shall send a copy of this Order to Mr. Artem at 161 16th Ave, Seattle, WA
5 98122.
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7 DATED this 16th day of June 2017.
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10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
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